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IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 30TH DAY OF JUNE 1998

B E F O R E

THE HON'BLE MR. JUSTICE V.GOPALA GOWDA

W.P.NO.32676/1997

BETWEEN:

P.D.Chavda
S/o late N.K.Chavda,
Age:56 years,
MIG:GF-15/3, SFHS
'O' Block, Nandini Layout,
Bangalore.

...PETITIONER

(By Sri. N.G.Phadke, Adv.)

AND:

1. State of Karnataka,
by its Secretary, to
Government of Karnataka,
Housing and Urban Development,
Department, Vishweshwaraiah Tower,
Bangalore-560 001.

2. Bangalore Development Authority
represented by its Commissioner,
Office of the Commissioner,
Bangalore Development Authority,
Bangalore.

...RESPONDENTS

(By Sri G.Papireddy, AGA for R1,
Sri Vishnu D.Bhat for R2,Adv.)

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This writ petition is filed under article 226 of
the Constitution of India with a prayer to quash vide
Annexure 'F' dt.28.12.1995 by R2 and etc.



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This writ petition coming on for preliminary hearing this day the Court made the following:-

O R D E R

Learned Counsel for the petitioner fairly submits that the questions raised in the writ petition is covered by the Judgment of this Court in W.P. NOS.3624-3745/1997 DD 31.3.1997.

2. Following the aforesaid decision and for the reasons mentioned therein, the petition is partly allowed. Demand notice dated 28.12.1995 Annexure-F is hereby quashed.

3. However, the BDA is at liberty to re-work and fix the final price of the house in question based on actual cost in accordance with law keeping in view the observations made in the order passed in the writ petition referred to above. If they are entitled to enhance the escalation charges for the property over and above the price collected from

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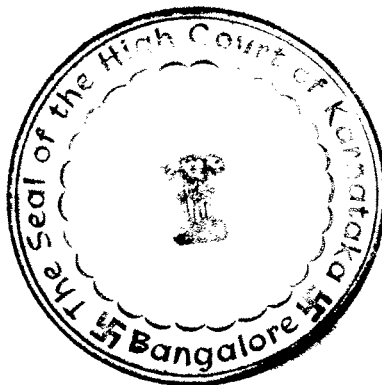


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the petitioner, such a demand if any, shall be made within a period of four months from the date of receipt of this order.

4. Further, prayer relating to Registration of the property in question in favour of the petitioner is not pressed. Hence, it is rejected. No costs.

Sd/-
JUDGE



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